

REMARKS

This request for reconsideration is believed to be fully responsive to the Office Action dated November 14, 2007, issued in connection with the above-identified application. A request for continued examination (RCE) is included herewith. No claims have been amended, and no new matter has been introduced. Favorable reconsideration is respectfully requested.

At the outset, the Applicants respectfully request that the Examiner contact the undersigned prior to the issuance of a subsequent Office Action to schedule an Examiner Interview. The purpose of the Examiner Interview is to discuss the arguments presented in this request for reconsideration in more detail, and to expedite prosecution of the present application.

In the Office Action, claims 1, 3-5, 7-13, 15, 17-19 and 21-28 have been rejected under 35 USC 103(a) as being unpatentable over Clarkson (US Publication No. 2003/0046305, hereafter "Clarkson") in view of Blasingame et al. (US Publication No. 2002/0022975, hereafter "Blasingame") and Joao (US Patent No. 6,283,761, hereafter "Joao"), and further in view of Brown (US Patent No. 6,101,478, hereafter "Brown").

The Applicants maintain that the cited prior art fails to disclose or suggest all the features recited in at least independent claims 1, 15 and 25.

With regard to claims 1 and 15, the cited prior art fails to disclose or suggest the following features of the patient terminal apparatuses similarly recited in the claims:

"template storing means for storing template question programs which correspond to predetermined answer forms and are not dependent on a particular patient"; and

"generating means for generating question programs which are dependent on a particular patient among a plurality of patients, by inserting question sets received from said database server apparatus into the template question programs...

wherein the patient dependent question programs are not transmitted through the communication network."

In the Office Action, the Examiner noted that Clarkson fails to disclose or suggest the above features of claims 1 and 15. However, the Examiner relied on Blasingame,

Brown and Joao for overcoming the deficiency in Clarkson, and disclosing or suggesting the above features of claims 1 and 15.

First, in the Office Action, the Examiner relied exclusively on the abstract and ¶009 of Blasingame for disclosing or suggesting the claimed “template storing means.”

However, Blasingame (in the abstract and at ¶009) discloses a medical information (“MI”) system for providing information to patients and physicians prior to, during and following an office visit. As described in Blasingame, a patient connects to the MI system site, which interactively interviews the patient regarding a medical condition. The MI system generates pre-visit information, which could include a pre-visit physician report related to the patient’s condition. After examining the patient, the treating physician completes the patient’s chart notes, and a post-visit report that can be sent to the patient.

The template storing means of claims 1 and 15 is distinguishable over Blasingame for at the reasons noted below. The template storing means of claims 1 and 15 stores template question programs which correspond to predetermined answer forms and are not dependent on a particular patient. However, in Blasingame, both the pre-visit report and the post-visit report are related to a particular patient being examined. Additionally, in Blasingame, the pre-visit report is described as including expert medical information related to a patient’s condition such as differential diagnoses, work-up algorithms, treatment considerations, and literature references. However, none of this expert medical information would be interpreted by one of ordinary skill in the art as corresponding to an answer form, or not being dependent on a particular patient. Accordingly, the template storing means of claims 1 and 15 is not anticipated or rendered obvious by Blasingame.

Second, in the Office Action, the Examiner relied exclusively on Brown at col. 3, lines 33-51 for disclosing or suggesting the claimed “generating means.”

Brown discloses a multi-user remote health monitoring system for identifying an individual, communicating information to the individual and remotely monitoring the individual. The system includes a server and a workstation for entering server queries to be answered by the individual. Additionally, Brown at col. 3, lines 33-51 merely discloses the use of script programs that are generated by a server and executed by a

remote programmable apparatus. The script programs are used by the remote programmable apparatus to communicate query sets to individuals, receive responses to the query sets and transmit responses from the remote programmable apparatuses to the server.

The generating means of claims 1 and 15 is distinguishable over the Brown for at least the reasons noted below. The generating means of claims 1 and 15 generates question programs which are dependent on a particular patient among a plurality of patients. Nothing in Brown discloses or suggests that the script programs are dependent on a particular patient. Instead, Brown (at best) describes that the script programs “are used by the remote programmable apparatus to communicate query sets to individuals.” Additionally, the generating means of claims 1 and 15 generates patient dependent questions programs by inserting question sets received from the database server apparatus into the template question programs. Brown, on the other hand, only describes that the script programs are used to communicate query sets to individuals.

Accordingly, the generating means of claims 1 and 15 is not be anticipated or rendered obvious by Brown.

Finally, in the Office Action, the Examiner relied on Joao at col. 13, line 13 through col. 15, line 47; and Fig. 1 for disclosing or suggesting the claimed “patient dependent question programs that are not transmitted through the communication network.”

Joao discloses an improved apparatus for providing healthcare information that includes a processor for processing symptom information and condition information corresponding to a patient. As described in Joao, the processor sends healthcare information, healthcare theories, healthcare principles, healthcare research and a medical diagnosis to the patient.

Additionally, Joao at col. 13, line 13 through col. 15, line 47 describes Fig. 1 as a computer system for providing services to individuals, patients, healthcare providers, insurers, payers, brokers, agents and/or intermediaries.

The present invention, as recited in claims 1 and 15, recites that the patient dependent question programs are not transmitted through the communication network. However, nothing in col. 13, line 13 through col. 15, line 47 of Joao describes the use of

a patient dependent question program, let alone whether a patient dependent question program is not transmitted through a communication network.

Based on the above discussion, no combination of Clarkson in view of Blasingame and Joao, and further in view of Brown could result in, or otherwise render obvious, the present invention recited in independent claim 1 and 15. Likewise, no combination of Clarkson in view of Blasingame and Joao, and further in view of Brown could result in, or otherwise render obvious, the present invention recited in claims 3-14, 17-24, 27 and 28; based at least on their respective dependency from independent claims 1 and 15.

With regard to claim 25, the cited prior art fails to disclose or suggest the following features of the doctor terminal apparatus recited in the claim:

“reviewing and entry means for reviewing the displayed answer data together with the displayed remedy policy which was entered previously for the patient based on a selection via the selection means, and additionally entering a new remedy policy for the patient based on the displayed answer data and the displayed remedy policy for the patient which was entered previously, whereby the doctor performs a medical examination for the patient via the communication system.”

In the Office Action, the Examiner noted that Clarkson fails to disclose or suggest the above feature of claim 25. However, the Examiner relied exclusively on Blasingame for disclosing the above feature of claim 25. Specifically, the Examiner relied on ¶0076 and Fig. 1 of Blasingame for disclosing or suggesting the claimed “reviewing and entry means” noted above.

Blasingame at ¶0076 describes Fig. 1 as illustrating the general architecture of a medical information system (MI system) that operates in a client-server arrangement. The only description provided in ¶0076 of Blasingame regarding the operation of the MI system is that the MI system can be used for accomplishing “a wide variety of functions.”

On the other hand, the reviewing and entry means of claim 25 specifically recites the following features:

- 1) reviewing the displayed answer data together with the displayed remedy policy which was entered previously for the patient based on a selection via the selection means;
and

2) entering a new remedy policy for the patient based on the displayed answer data and the displayed remedy policy for the patient which was entered previously, whereby the doctor performs a medical examination for the patient via the communication system.

None of the above features of claim 25 are disclosed or suggest by Blasingame. Accordingly, the reviewing and entry means of claim 25 is not anticipated or rendered obvious by Blasingame.

Based on the above discussion, no combination of Clarkson in view of Blasingame and Joao, and further in view of Brown could result in, or otherwise render obvious, the present invention recited in independent claim 25. Likewise, no combination of Clarkson in view of Blasingame and Joao, and further in view of Brown could result in, or otherwise render obvious, the present invention recited in claim 26; based at least on its dependency from independent claim 25.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the examiner withdraw the rejections presented in the Office Action dated November 14, 2007, and pass this application to issue.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Hirohisa IMAI et al.

By: 

Mark D. Pratt

Registration No. 45,794

Attorney for Applicants

MDP(DMO)/ats
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
December 19, 2007